

## May @ Work

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**From:** May @ Work <May@PromoteMontana.com>  
**Sent:** Saturday, March 17, 2018 9:32 PM  
**To:** 'Daniel.Miller@mt.gov'  
**Subject:** We met at the Jan Law and Justice Mtg

Hello,

Its taken me so long to contact you because we thought we had a solution to the issue of Lavohn Ellsworth DOC ID# 2061187.

She was seen by the BOPP last tues but rejected because she didn't have the 120 facility clear conduct because she has not been in the facility 120 days.

So let me start at the beginning. Ms Ellsworth is on her last DOC commitment and is totally discharged in Jan 2018. She was sentenced on this revocation in Feb 2017 and was supposed to go to Riverside treatment center. Instead DOC sent her to passages and then she was overridden to the prison. All of this has taken a yr.

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She was told because she didn't have a correct assessment but she did. She had done it herself at BENEFIS in great falls but DOC wouldn't accept it. Repetition in the system is also systemic. At each stop, they redo every assessment you have already had because the last one was right or good enough. This repetition cost the system millions.

Her family and boyfriend has tried repeatedly to get the prosecutor, her defender to do something and they are silent. As I told you in Jan, once you are sentenced you are cut off from all legal representation but each part of the system is in control and violate not only the judges court order but your constitutional rights as well.

So Jon Jon as we call her went to the BOPP and was denied because she didn't have 120 clear conduct. But statue doesn't say anything about a 120 days. The facilities try to force you to sign a waiver and she refused. So MWP sent her to the board with no prep and actually refused to prep any paperwork or reports. She was denied.

At first Scot Cruze was kinda amazed she was denied then said he would send her again in April and now is denying that and will send her in May well after her 120 conduct marker which is not in align with statute.

If you read statue it clearly says you can go to the board 60 days prior to your eligible date. But the facility's won't let you go til after your 120 clear conduct. That is 2 different markers. And are actually years apart.

Because of the jail backlogs, and it can take over 7 to 8 months out of county jails. I have watched 3 names at the butte jail this past week and they finally moved from jail to passages and MWP. One of them is a PREA victim of the former chaplain and I worry about MUCH MORE the trauma that prison will cause her. BUT back to the point

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Pardon me but I am kinda tired this sat night getting ready for a overnite trip to billings. Please contact me if you have any questions. Thank you

May Simmons  
610 Main Street  
Polson, Mt 59860

March 14, 2018

Law and Justice Committee  
for the March 2018 Meeting

Subj: Prison Issues Board and the Inmate Welfare Fund

Madame Chair and Members of the Committee,

This letter addresses the matter of the Prison Issues Board. I will also make the jump to the Inmate Welfare Fund or IWF, as it's often a topic for the Prison Issues Board.

I will give you a simplified version of what I understand the history of IWF is and how the money is generated. I believe the committee has had some correspondence with Inmate Robert Rose at MSP. Robert filed suit on matters relating to the IWF and a settlement was reached, resulting in a large chunk of money being returned to the fund. As I recall it was either \$250k or \$350k.

As I have stated previously to the committee, this fund has just under \$1M as a running average balance. The money is generated by the profits from the canteen sales and funds support payroll for canteen personal. There is some statute requiring the canteen system to be self-sufficient and fund its own civilian employees. As well as funding its own payroll, IWF is used to various inmate items such as bus fare, recreational equipment and other inmate needs.

Flowing into the Prison Issue Board, this is where items of interest relating to canteen and the IWF fund are discussed. The board was created in 1999, to round table issues among facilities. That most of that board is open to the public except the security section which is understandable. The minutes of the meetings are recorded at the web link <https://cor.mt.gov/Adult/PrisonIssuesBoard>.

The concerns I have is there is no true inmate representation on this board. DOC can do what it wants with the canteen profits maintained in that fund. There is no oversight by any other governing body including the inmates, who generate the money in this account! The fencing around the garden at the Women's Prison was paid for out of this fund. I don't know if that was legal.

I have the highest regard for Gayle Butler, but she is only one member of this board. It was this board in September 2017 which authorized the increased dose of over the counter Tylenol and ibuprofen to be made available on canteen. I testified at the September Shelby meeting my concern this medication would be discontinued as a medication prescribed by the facility doctor and I was right.

I recognized this as a cost savings measure immediately! I am an old government bean counter, a retired GS13. I have managed larger budgets than the entire allotment for the Department of Corrections has over multiple years. Inmates living on less than \$20 dollars a month are now having to get this on canteen! Inmate are wards of the state and this comes down to quality of care.

About 6 or 7 years ago, prison wages were changed, and inmates were cheated out of a decent prison wage. Although any prison wage is cheap by comparison, but this was even worse. Women working in the dish pit often qualify for indigent! How is this possible?



There is also a rumor started by staff at Shelby Prison, the IWF fund is paying for staff to have bottled water and the special water filters needed for medical. They are necessary because the water at Shelby has gone brown and yucky again. This is an on-going problem with this facility. Supposedly the facility has internal water filters designed to operate the entire water system. It seems to be failing.

Whether this is a lie started by staff just to stir up inmate resentment, I do not know. However, it would be very possible and extremely easy for the facility to misuse the IWF fund to pay for just these type of staff expenses given the lack of oversight and equal worse any accountability over this fund by leaving it totally under DOC jurisdiction. I believe it should be turned over to an independent auditor and a yearly account should be prepared for this committee.

Sincerely,

May Simmons

Director, A New Hope Center Montana

Copy: Director Michael, Department of Corrections via email  
President, Montana Board of Pardon and Parole via email

May Simmons  
610 Main Street  
Polson, Mt 59860

March 14, 2018

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May Simmons  
Director, A New Hope Center Montana

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President, Montana Board of Pardon and Parole via email

May Simmons  
610 Main Street  
Polson, Mt 59860

March 15, 2018

Law and Justice Committee  
for the March 2018 Meeting

Subj: Does DOC Bill Medicaid for Inmate Care?

Madame Chair and Members of the Committee,

This letter addresses the matter of if DOC is billing Medicaid for inmate medical care.

Inmates receive the barest of care. I can document cases of inmates telling medical they are ill and denied treatment. In the past, nurses have performed out of the scope of their state license, and under Warden Jo Acton made medical diagnosis. This is not something a nurse should be doing. But where DOC is concerned, it's ok. One former nurse and client director would deny inmates treatment and say, 'drink more water'.

The medical drug formulary is specific in what is allowed and not allowed. It limits Doctors and prevents them from practicing medicine. Under formulary, a medication need only be minimally effective by less than 70% to be considered effective.

As you know, inmates have been denied over the counter medications, since the prison issues board in September. This again is a problem because inmates don't have an unlimited source of income to pay for their own treatment.

However, if DOC is billing Medicaid for inmates, I believe a this should raise a quality of care issue. In my case this was Medicaid fraud because I had my own medical insurance and according to the rules it should have been used first.

I found notations in the Mt Supreme Court Appeal DA-13-0687 Vainio vs. State of Montana. On page 3 there are several notions where it seems clear Medicaid is being used to pay inmate eye exams at the men's facility in Deer Lodge.

I wonder how this comes together? Or maybe it doesn't come together. In the cases of where inmates have been denied medical care and been gravely injured or died after release, is not ok. In cases where inmates have been injured medically because staff didn't give a damn, like in Ms Donna Morgan's case is not ok. You had her personal account in your book for the January meeting. She has never been made whole nor has DOC taken any personal accountability for what it did to her. She was not sentenced to death by her judge, but DOC certainly gave her that.

What do we do? I don't know yet. But it must be put on the table for examination but the committee at some point.

Sincerely,

May Simmons  
Director, A New Hope Center Montana

Copy: Director Michael, Department of Corrections via email  
President, Montana Board of Pardon and Parole via email



Tony Peterson  
607 7th Avenue East  
Polson, Montana 59860  
[anthonypeterson@student.skc.edu](mailto:anthonypeterson@student.skc.edu)  
(406) 883-0519

Honorable, John Tester  
United States Senate  
8 Third Street East

Kalispell, MT. 59901

Dear Senator Tester,

I have been fortunate to be an alumni, and current student at Salish Kootenai College (SKC). I have an associate's degree as a substance abuse counselor. I am in the social work program, and I am pursuing my bachelor degree in that program currently at SKC. I am very concerned about homeless veterans in our state. I am a fellow veteran, and additional means, and caring for housing veterans that have become homeless often due to no fault of their own is an epidemic challenge in Montana.

I see that you have advocated for veterans more so than any Senators since I could legally vote for past 30 years. House Bill 104, The Helpless Veteran Act of 2017 has great intention, but ultimately falls short in addressing the continuing issues of homeless veterans in our vast state.

The bill mostly addresses financial aid opportunities for veterans with families, veteran students, and tax incentives for landlords that house veterans and their families. The bill specifically in sections (4-6) lists a grant program for veterans with special needs, treatment for seriously mentally ill and housing assistance for homeless veterans. Additionally, the bill calls for an Advisory Committee on Homeless Veterans. An idea to advise the committee on homeless veterans would be this; could we not implement programs to place interns using such grant(s)?

The largest homeless veterans in 2015-16 consisted of 38% Vietnam era veterans, followed closely by 25% of peacetime veterans, which include National Guard, and Reserve veterans. I once was a homeless peacetime veteran, and a single father, so I know firsthand of the implications being in that predicament.

I applaud you for helping the state in 2015 to receive \$6 million from SSVF grant in 2015. After interviewing the current state adjunct for DAV recently, he indicated that the money was well spent. Because Montana is a vastly sparse state, and we have a large veteran population compared to our state population, the issues of staffing veteran centers, and enlisting aging volunteers seems to be the challenges here in our state.

Montana has three higher education institutions that produce the highest graduates the human services occupation. Salish Kootenai College is the highest at 59%, The University of Montana is at 48%, and Blackfoot Community College is at 11%. With such high graduate success rates in these programs, why is so difficult to place interns in agencies, or facilities. This would

address the issue of staff shortages, and allow interns to get their hours that they need from the state. Additionally, grant money could be wisely spent in buying buildings, renovate them to open more veteran centers in regional areas. The majority of the veteran centers are in our larger cities throughout Montana. Another idea would be to open more halfway houses in Montana, as you know there are huge waiting lists, with limited bed space in the current facilities. Allow paid interns to be placed in these centers and facilities where staffing is a concern.

H.R. 104 has some really key ideas working for it, but future grant money could be better utilized in various ways to help homeless veterans in Montana.

Sincerely,

*Anthony Peterson (Tony)*

Anthony Peterson



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